

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 27, 1988

ALL COUNTY LETTER NO. 88-12

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF THE PORTIS V. McMAHON COURT ORDER

REFERENCE: EAS 44-206.1(a)

On January 6, 1988, the Superior Court of Contra Costa County approved the Stipulated Judgement in the Portis v. McMahon court case. A copy of the signed order and Stipulated Judgement is attached.

In accordance with the Stipulated Judgement, the Department has been instructed to amend EAS 44-206.1(a) to remove receipt of In-Home Supportive Services (IHSS) from the list of aid programs causing ineligibility for AFDC. The Department is currently drafting handbook language to implement this change on an interim basis. Concurrently, regulations are being filed on a regular basis with an anticipated effective date of September 1, 1988. Meanwhile, the counties shall immediately cease applying EAS 44-206.1(a) to the extent that it excludes IHSS recipients from AFDC eligibility.

Should you have any questions or need additional information, please contact Susan Wyckoff at (916) 324-2003.

  
ROBERT A. HORZEL  
Deputy Director

Attachments

cc: CWDA

COPY

CONTRA COSTA LEGAL SERVICES  
FOUNDATION  
ELIZABETH R. ARNOLD  
1017 Macdonald Avenue, P. O. Box 2289  
Richmond, CA 94802

Attorney for Petitioner/Plaintiff

FILED  
JAN 1988

J. R. OLSSON, County Clerk  
CONTRA COSTA COUNTY  
By PAT BONDLOCH Deputy

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY

SHARON PORTIS,

NO. 304861

Petitioner/Plaintiff,

vs.

JUDGMENT AND ORDER  
BASED ON STIPULATION

LINDA S. McMAHON, DIRECTOR,  
CALIFORNIA, DEPARTMENT OF SOCIAL  
SERVICES, DOES I-V,

Respondent/Defendants.

The court having considered the Stipulation of the parties;  
IT IS HEREBY ORDERED, DECREED AND ADJUDGED that the  
respondent shall:

1. Issue an All-County Letter within 30 days of the date on  
which respondent receives a copy of this court's judgment  
informing the counties that MPP 44-206.1(a) is invalid insofar  
as it excludes persons receiving In-Home Support Services from  
receiving AFDC and that the provision should not be implemented;

2. File new regulations as soon as administratively  
feasible to correct the invalid provision set forth above;

3. Within 90 days from the date on which respondent  
receives a copy of this court's judgment, republish and  
circulate to all holders of the MPP the manual page containing

1 MPP 44-206.1(a), with a notation that the regulation is invalid  
2 as to AFDC ineligibility for IHSS recipients and with a  
3 reference to the number of the All-County Letter required under  
4 paragraph 1 of this judgment and order.

5 4. Vacate state hearing number 86092214 adopted August 19,  
6 1986, and remand to the county to grant petitioner any benefits  
7 to which she is eligible as though the provision set forth above  
8 had not been in effect, but considering the later grant of  
9 retroactive SSI/SSP. The County action shall be subject to the  
10 right of petitioner to request a review by the department by  
11 requesting a state hearing.

12 5. Pay reasonable attorney's fees to petitioner's counsel.  
13 If the parties cannot agree on the amount, petitioner's counsel  
14 must file a fee application with this court within 30 days of  
15 the entry of the judgment.

16 Dated: ~~December 16~~ <sup>UN 6-</sup> 1987

ELLEN S. JAMES

JUDGE OF THE CONTRA COSTA  
SUPERIOR COURT

COPY.

CONTRA COSTA LEGAL SERVICES  
FOUNDATION  
ELIZABETH R. ARNOLD  
1017 Macdonald Avenue, P. O. Box 2289  
Richmond, CA 94802

Attorney for Petitioner/Plaintiff

FILED

JAN 7 1988

J. R. OLSSON, County Clerk  
CONTRA COSTA COUNTY

By ELIZABETH R. ARNOLD Deputy

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY

SHARON PORTIS,

NO. 304861

Petitioner/Plaintiff,

vs.

S T I P U L A T I O N

LINDA S. McMAHON, DIRECTOR,  
CALIFORNIA DEPARTMENT OF SOCIAL  
SERVICES, DOES I-V,

Respondent/Defendants.

IT IS HEREBY STIPULATED by and between the parties that a  
judgment issue ordering the respondent to:

1. Issue an All-County Letter within 30 days of the date on  
which respondent receives a copy of this court's judgment  
informing the counties that MPP 44-206.1(a) is invalid insofar  
as it excludes persons receiving In-Home Support Services from  
receiving AFDC and that the provision should not be implemented;

2. File new regulations as soon as administratively  
feasible to correct the invalid provision set forth above;

3. Within 90 days from the date on which respondent  
receives a copy of this court's judgment, republish and  
circulate to all holders of the MPP the manual page containing  
MPP 44-206.1(a) with a notation that the regulation is invalid

1 insofar as it excludes persons receiving IHSS from receiving  
2 AFDC and with a reference to the number of the All-County Letter  
3 required under paragraph 1 of this stipulation.

4 4. Vacate state hearing number 86092214 adopted August 19,  
5 1986, and remand to the county to grant petitioner any benefits  
6 to which she is eligible as though the provision set forth above  
7 had not been in effect, but considering the later grant of  
8 retroactive SSI/SSP. The County action shall be subject to the  
9 right of petitioner to request a review by the department by  
10 requesting a state hearing.

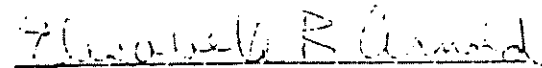
11 5. Pay reasonable attorney's fees to petitioner's counsel.  
12 If the parties cannot agree on the amount, petitioner's counsel  
13 must file a fee application with this court within 30 days of  
14 the entry of the judgment.

15 Dated: December 30, 1987



STEPHANIE WALD  
Attorney for Respondent/  
Defendant

18 Dated: December 16, 1987



ELIZABETH R. ARNOLD  
Attorney for Petitioner/  
Plaintiff